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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,373	08/04/2005	Richard John Thompson	UDLIP016/GJA/pw/P400410US	4786
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Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			EXAMINER BOCHNA, DAVID	
			ART UNIT	PAPER NUMBER
			3679	
			NOTIFICATION DATE	DELIVERY MODE
			04/16/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/519,373	<b>Applicant(s)</b> THOMPSON, RICHARD JOHN	
	<b>Examiner</b> David E. Bochna	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 26-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. The indicated allowability of claims 28-30 is withdrawn in view of the newly discovered reference(s) to Wadsworth. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 26-33, 35-41, 43-46 and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Wadsworth '331.

In regard to claim 26, Wadsworth discloses a coupling member (fig. 6) for coupling a first section of trunking 17 to a second section of trunking 17, the coupling member comprising:- a body having first and second elongate members 23, 24, the body defining first and second surfaces 25 adapted to respectively engage a first flange 35 on a first section 17 of trunking and a second flange 35 on a second section 17 of trunking, and a third surface 21 connecting said first and second surfaces and adapted to provide a substantially continuous surface with respective external surfaces of said first and second sections of trunking 17 in use; and at least one connecting member 49 for joining distal ends of said first and second elongate members 23, 24.

In regard to claim 27, wherein said first and second surfaces 23, 24 have at least one retaining device 34 adapted to retain said surfaces with respective first and second flanges 35.

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In regard to claim 28, the distal ends of the first and elongate members 23, 24 further comprise at least one retaining device 37 adapted to engage the connecting member 49.

In regard to claim 29, the at least one retaining device 37 comprises at least one hole adapted to receive a threaded fastener.

In regard to claim 30, wherein the hole 37 is threaded.

In regard to claim 31, wherein said body (fig. 6) is substantially U-shaped and said connecting member 49 is substantially linear.

In regard to claim 32, further comprising at least one guide device 26 extending from a fourth surface, connecting said first and second surfaces 23, 24 and opposing said third surface, at least one said guide device being adapted to extend within at least one of said first or second trunking sections 17.

In regard to claim 33, wherein at least one said guide device 26 is adapted to be bent (26 is thin and capable of being bent) towards internal surfaces of said trunking sections 17.

In regard to claim 35, Wadsworth disclose a section of waterproof trunking (fig. 6) comprising:

a body portion defining at least one inlet for a cable, and having at least one aperture (top) for allowing access to an inside of said body portion, wherein the or each said aperture is adapted to receive a respective cover device 49 thereon; and

a flange 35 provided on at least one respective said inlet, extending internally thereof and adapted to engage at least one further trunking section 17.

In regard to claim 36, wherein said aperture extends along more than 95% of the length of a side.

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In regard to claim 37, wherein at least one said cover device 49 is a lid adapted to cover all of said side containing said aperture and to extend at least partially along two adjacent sides 23, 24 of the section.

In regard to claim 38, wherein the or each flange 25, 26 extends from said side substantially perpendicular (the flange extends perpendicular, as it radially inward of surfaces 21, 23 and 24) to said side.

In regard to claim 39, wherein said flange 25, 26 is a single flange extending from all sides 32, 24, 21 of the trunking section.

In regard to claim 40, further comprising at least one guide device 35 extending from said flange towards an internal section of said trunking section 17 and adapted to extend within a further trunking section 17.

In regard to claim 41, wherein at least one said guide device 35 is adapted to be bent towards internal surfaces of said further trunking section 10.

In regard to claim 43, Wadsworth discloses a section of waterproof trunking (Fig. 6) comprising:

a body portion having at least one inlet for a cable, wherein at least one inlet comprising a respective open channel; and

a respective flange 25, 26 extending inwardly of at least one said channel; and adapted to engage at least one further trunking section 17.

In regard to claim 44, further 27 comprising three substantially planar sides 23, 21, 24 arranged perpendicular to each other.

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In regard to claim 45, wherein side portions extend toward each other from two of said three planar sides and thereby define an opening to said open channel.

In regard to claim 46, wherein said trunking section is retained to a further trunking section by at least one coupling device 37.

In regard to claim 48, Wadsworth discloses a trunking system comprising:

at least one first section of waterproof trunking 17 having a body portion having at least one inlet for a cable, wherein at least one inlet comprising a respective open channel, a respective flange 25, 26 extending inwardly of at least one said channel, and adapted to engage at least one further trunking section 17;

at least one respective lid 49 for covering said channel; and

at least one coupling member (fig. 6) for coupling said first section 17 of trunking to a second section of trunking 17, the coupling member having a body having first and second elongate members 23, 24, the body defining first and second surfaces 25 adapted to respectively engage a first flange 35 on a first section of trunking 17 and a second flange 35 on a second section of trunking, and a third surface 21 connecting said first and second surfaces and adapted to provide a substantially continuous surface with respective external surfaces of said first and second sections of trunking 17 in use, and at least one connecting member 49 for joining distal ends of said first and second elongate members 23, 24.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 34, 42 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wadsworth in view of Dwyer '402. Wadsworth discloses a trunking connection section as described above for creating a protective conduit around lengths of electrical wires, but does not disclose the use of a gasket between mating sections of conduit. Dwyer teaches using gaskets between mating sections of conduits in order to improve the seal between the mating conduits, thereby providing more protection to the enclosed electrical wires. Therefore it would have been obvious to one of ordinary skill in the art to modify the conduit system of Wadsworth to include gaskets between the mating sections, as taught by Dwyer, in order to improve the sealing properties of the conduit and provide better protection to the electrical wires encased within the conduit.

#### ***Response to Arguments***

4. Applicant's arguments with respect to the rejection(s) of the 7/7/08 office action have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection was made in view of Wadsworth '331 and Dwyer '402.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thompson, Johnson, Lee and Melvin et al. all disclose similar couplings common in the art.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078.

The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David E. Bochna/  
Primary Examiner, Art Unit 3679